

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.315 OF 2022

Ulhasrao Janardhan Bhuke

Applicant

versus

Nandlal Srichand Wadhwa and another

Respondents

Mr.Girish Paryami for A & G Legal Associates LLP for applicant.

Mr.Abhishek Yende, Advocate for respondent no,1

Mr.A.R.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th August 2022

PC :

1. The applicant is aggrieved by order dated 13th May 2022 passed by Sessions Court directing the applicant to deposit 5% compensation as condition precedent for entertaining appeal.

2. Apparently the applicant has been convicted for the offence under Section 138 of Negotiable Instruments Act. The judgment of conviction has been challenged by preferring appeal before Court of Sessions. The said appeal is pending since 2013. The applicant has recently preferred application u/s.391 of Cr.PC for adducing additional evidence. The said application was rejected on 8th October 2021. The order rejecting application u/s.391 of Cr.PC has been challenged by applicant before this Court by preferring Revision Application No.2841 of 2022. Since the said revision application was pending before this Court, the applicant preferred application before Sessions Court for adjourning appeal. The said application has been allowed subject to deposit of 5% amount of compensation. Learned advocate for applicant submit that 5% compensation would amount to depositing amount of Rs.5.50 lakh. Earlier directions to deposit amount in accordance with Section 148A of N.I.Act are complied.

3. Learned advocate for respondent submits that appeal is pending before Sessions Court since 2013. The motive of applicant is to delay the proceedings. Application u/s.391 is moved recently which has been rejected and considering the circumstances learned Sessions Judge was constrained to pass impugned order. Since the appeal is pending since 2013, the Sessions Court may be directed to dispose of the appeal expeditiously. The appeal is due for hearing before Sessions Court today and hence the Court may be directed to proceed with hearing of appeal today.

4. It is pertinent to note that hearing of the appeal is pending before Sessions Court. Revision Application u/s.391 is pending before this Court. The applicant could have moved revision application for urgent circulation in the event there is urgency in the matter.

5. However, considering the fact that 5% compensation awarded by Appellate Court is exorbitant, the order directing payment of compensation of 5% is set aside. The applicant is directed to pay costs in the sum of Rs.5,000/-. Costs be paid in the Sessions Court within a period of one week. The Sessions Court is directed to hear the matter within two week after receipt of this order and dispose off the proceedings within one month thereafter.

6. This application is disposed off.

(PRAKASH D. NAIK, J.)

MST